

AMENDED IN SENATE AUGUST 16, 2010

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2543**

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**Introduced by Assembly Member Bonnie Lowenthal**  
(Coauthor: Senator Price)

February 19, 2010

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An act to ~~amend Section 47607 of~~ *add Section 47607.1* to the Education Code, relating to charter schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as amended, Bonnie Lowenthal. Charter schools: renewal.

The Charter Schools Act of 1992 authorizes the governing board of a school district, a county board of education, or the State Board of Education to grant a petition to establish a charter school according to specified procedures. The act provides that a charter may be granted for a period not to exceed 5 years. The act authorizes each of those chartering authorities to grant one or more subsequent renewals of a charter that it authorized. The act requires that each renewal be for a period of 5 years.

This bill would require a charter school to submit a renewal petition to the chartering authority no later than September 15 prior to the expiration of the charter, or by an earlier or later date if mutually agreed upon by the chartering authority and the charter school to accommodate local circumstances. The bill would require the governing board of a school district or a county board of education to approve or deny a renewal petition submitted by a charter school authorized by that board

no later than December 15 prior to the expiration of the charter. The bill would require a charter school that elects to appeal the denial of its renewal application to submit the application to the county board or the state board, as applicable, within 30 days of the date of the denial.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 47607.1 is added to the Education Code,  
2     to read:

3     47607.1. (a) A charter school shall submit a renewal petition  
4     to the chartering authority no later than September 15 prior to the  
5     expiration of the charter, or by an earlier or later date if mutually  
6     agreed upon by the chartering authority and the charter school to  
7     accommodate local circumstances, including delays in the release  
8     of Academic Performance Index (API) scores. This subdivision  
9     does not preclude a chartering authority from establishing a  
10    charter renewal deadline prior to September 15. Existing timelines  
11    for the consideration of a charter renewal petition by a chartering  
12    authority pursuant to Sections 47605 and 47607 or any other  
13    provision of this part shall not be affected by this subdivision.

14    (b) The governing board of a school district or a county board  
15    of education shall approve or deny a renewal petition submitted  
16    by a charter school authorized by that board no later than  
17    December 15 prior to the expiration of the charter. A charter  
18    school that elects to appeal the denial of its renewal application  
19    pursuant to Section 47607.5 shall submit its application to the  
20    county board or state board, as applicable, within 30 days of the  
21    date of the denial.

22    ~~SECTION 1. Section 47607 of the Education Code is amended~~  
23    ~~to read:~~

24    ~~47607. (a) (1) A charter may be granted pursuant to Sections~~  
25    ~~47605, 47605.5, 47605.6, 47605.8, and 47606 for a period not to~~  
26    ~~exceed five years. A charter granted by a school district governing~~  
27    ~~board, a county board of education or the state board, may be~~  
28    ~~granted one or more subsequent renewals by that entity. Each~~  
29    ~~renewal shall be for a period of five years. A material revision of~~  
30    ~~the provisions of a charter petition may be made only with the~~  
31    ~~approval of the authority that granted the charter. The authority~~

1 that granted the charter may inspect or observe any part of the  
2 charter school at any time.

3 (2) Renewals and material revisions of charters are governed  
4 by the standards and criteria in Section 47605, and shall include,  
5 but not be limited to, a reasonably comprehensive description of  
6 any new requirement of charter schools enacted into law after the  
7 charter was originally granted or last renewed.

8 (3) (A) A charter school shall submit a renewal petition to the  
9 chartering authority no later than September 15 prior to the  
10 expiration of the charter, or by an earlier or later date if mutually  
11 agreed upon by the chartering authority and the charter school to  
12 accommodate local circumstances, including delays in the release  
13 of Academic Performance Index (API) scores. This paragraph does  
14 not preclude a chartering authority from establishing a charter  
15 renewal deadline prior to September 15. Existing timelines for the  
16 consideration of a charter renewal petition by a chartering authority  
17 pursuant to this section, Section 47605, or any other provision of  
18 this part shall not be affected by this paragraph.

19 (B) The governing board of a school district or a county board  
20 of education shall approve or deny a renewal petition submitted  
21 by a charter school authorized by that board no later than December  
22 15 prior to the expiration of the charter. A charter school that elects  
23 to appeal the denial of its renewal application pursuant to Section  
24 47607.5 shall submit its application to the county board or state  
25 board, as applicable, within 30 days of the date of the denial.

26 (b) Commencing on January 1, 2005, or after a charter school  
27 has been in operation for four years, whichever date occurs later,  
28 a charter school shall meet at least one of the following criteria  
29 prior to receiving a charter renewal pursuant to paragraph (1) of  
30 subdivision (a):

31 (1) Attained its API growth target in the prior year or in two of  
32 the last three years, or in the aggregate for the prior three years.

33 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior  
34 year or in two of the last three years.

35 (3) Ranked in deciles 4 to 10, inclusive, on the API for a  
36 demographically comparable school in the prior year or in two of  
37 the last three years.

38 (4) (A) The entity that granted the charter determines that the  
39 academic performance of the charter school is at least equal to the  
40 academic performance of the public schools that the charter school

1 pupils would otherwise have been required to attend, as well as  
2 the academic performance of the schools in the school district in  
3 which the charter school is located, taking into account the  
4 composition of the pupil population that is served at the charter  
5 school.

6 (B) The determination made pursuant to this paragraph shall be  
7 based upon all of the following:

8 (i) Documented and clear and convincing data.

9 (ii) Pupil achievement data from assessments, including, but  
10 not limited to, the Standardized Testing and Reporting Program  
11 established by Article 4 (commencing with Section 60640) of  
12 Chapter 5 of Part 33 for demographically similar pupil populations  
13 in the comparison schools.

14 (iii) Information submitted by the charter school.

15 (C) A chartering authority shall submit to the Superintendent  
16 copies of supporting documentation and a written summary of the  
17 basis for any determination made pursuant to this paragraph. The  
18 Superintendent shall review the materials and make  
19 recommendations to the chartering authority based on that review.  
20 The review may be the basis for a recommendation made pursuant  
21 to Section 47604.5.

22 (D) A charter renewal may not be granted to a charter school  
23 prior to 30 days after that charter school submits materials pursuant  
24 to this paragraph.

25 (5) Has qualified for an alternative accountability system  
26 pursuant to subdivision (h) of Section 52052.

27 (e) A charter may be revoked by the authority that granted the  
28 charter under this chapter if the authority finds, through a showing  
29 of substantial evidence, that the charter school did any of the  
30 following:

31 (1) Committed a material violation of any of the conditions,  
32 standards, or procedures set forth in the charter.

33 (2) Failed to meet or pursue any of the pupil outcomes identified  
34 in the charter.

35 (3) Failed to meet generally accepted accounting principles, or  
36 engaged in fiscal mismanagement.

37 (4) Violated any provision of law.

38 (d) Prior to revocation, the authority that granted the charter  
39 shall notify the charter public school of any violation of this section  
40 and give the school a reasonable opportunity to remedy the

1 violation, unless the authority determines, in writing, that the  
2 violation constitutes a severe and imminent threat to the health or  
3 safety of the pupils.

4 (e) Prior to revoking a charter for failure to remedy a violation  
5 pursuant to subdivision (d), and after expiration of the school's  
6 reasonable opportunity to remedy without successfully remedying  
7 the violation, the chartering authority shall provide a written notice  
8 of intent to revoke and notice of facts in support of revocation to  
9 the charter school. No later than 30 days after providing the notice  
10 of intent to revoke a charter, the chartering authority shall hold a  
11 public hearing, in the normal course of business, on the issue of  
12 whether evidence exists to revoke the charter. No later than 30  
13 days after the public hearing, the chartering authority shall issue  
14 a final decision to revoke or decline to revoke the charter, unless  
15 the chartering authority and the charter school agree to extend the  
16 issuance of the decision by an additional 30 days. The chartering  
17 authority shall not revoke a charter, unless it makes written factual  
18 findings supported by substantial evidence, specific to the charter  
19 school, that support its findings.

20 (f) (1) If a school district is the chartering authority and it  
21 revokes a charter pursuant to this section, the charter school may  
22 appeal the revocation to the county board of education within 30  
23 days following the final decision of the chartering authority.

24 (2) The county board may reverse the revocation decision if the  
25 county board determines that the findings made by the chartering  
26 authority under subdivision (e) are not supported by substantial  
27 evidence. The school district may appeal the reversal to the state  
28 board.

29 (3) If the county board does not issue a decision on the appeal  
30 within 90 days of receipt, or the county board upholds the  
31 revocation, the charter school may appeal the revocation to the  
32 state board.

33 (4) The state board may reverse the revocation decision if the  
34 state board determines that the findings made by the chartering  
35 authority under subdivision (e) are not supported by substantial  
36 evidence. The state board may uphold the revocation decision of  
37 the school district if the state board determines that the findings  
38 made by the chartering authority under subdivision (e) are  
39 supported by substantial evidence.

~~(g) (1) If a county office of education is the chartering authority and the county board revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.~~

~~(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (c) are not supported by substantial evidence.~~

~~(h) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.~~

~~(i) During the pendency of an appeal filed under this section, a charter school, whose revocation proceedings are based on paragraph (1) or (2) of subdivision (c), shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.~~

~~(j) Immediately following the decision of a county board to reverse a decision of a school district to revoke a charter, the following shall apply:~~

~~(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.~~

~~(2) The charter school may continue to hold all existing grants, resources, and facilities.~~

~~(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter shall be immediately reinstated or returned.~~

~~(k) A final decision of a revocation or appeal of a revocation pursuant to subdivision (c) shall be reported to the chartering authority, the county board, and the department.~~